

JUN. 16. 2004 10:40AM

OWELL, GOLDSTEIN (DTI-19)

NO. 475 P. 1

ATLANTA ■ WASHINGTON

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FRAZER &  
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**FACSIMILE TRANSMISSION COVER SHEET**

Date: June 10, 2004

To: Mail Stop Petitions

Fax # (703) 872-9306

From: Kathy J. Bell

Recipient's Direct Dial #

Sender's Direct Fax # 404-572-6999

Sender's e-mail address: [kbell@pgfm.com](mailto:kbell@pgfm.com)

Appl. No. 09/942,278

Sender's Direct Dial # 404-572-4581

Atty Dkt. No. 0359.1-1-1

Attorney # 3403

**Total Pages (Including This Page): 11**

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Duplicate petition attached. Petition initially faxed on December 22, 2003; however to date, documentation is not recorded on the PAIR system. See attached PTO confirmation sheet.

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 4045726999

Fax Information  
Date Received:  
Total Pages:

12/22/2003 6:08:02 PM [Eastern Standard Time]  
12 (including cover page)

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Received  
Cover  
Page  
=====>

DEC. 22. 2003 6:08 PM BOWELL, GOLDSTEIN (DTI-19)		NO. 625 3. 1	
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Sixteenth Floor 191 Peachtree Street, N.E. Atlanta, GA 30303		Telephone: (404) 572-6600 Fax: (404) 572-6999 Internet: www.bfgm.com	
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<b>FACSIMILE TRANSMISSION COVER SHEET</b>		Date: December 22, 2003	
To:	Mail Stop Petitions	Fax #	703-572-9306
From:	Kathy Bell	Recipient's Direct Dial #	404-572-6999
Appl. No.	09/942,278	Sender's Direct Fax #	404-572-4581
Our File #	0359.1-1-1CON	Sender's e-mail address:	kbell@bfgm.com
		Sender's Direct Dial #	3403
		Attorney #	
Total Pages (including This Page):			
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POWELL, GOLDSTEIN (DTI-19)

NO. 475

P. 3 P. 1

\* \* \* COMMUNICATION RESULT REPORT ( DEC. 22. 2003 6:11PM ) \* \* \*

FAX HEADER: POWELL, GOLDSTEIN (DTI-LL3)

TRANSMITTED/STORED : DEC. 22. 2003 6:07PM	ADDRESS	RESULT	PAGE
FILE MODE OPTION			
625 MEMORY TX	63 : 917038729306	OK	12/12

REASON FOR ERROR  
--1-- NO ANSWER OR LINE FAIL  
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**FACSIMILE TRANSMISSION COVER SHEET**

Date: December 22, 2003

To:	Mail Stop Petitions	Fax #	703-872-9306
From:	Kathy Bell	Recipient's Direct Dial #	
Appl. No.	09/942,278	Sender's Direct Fax #	404-572-6999
Our File #	0359.1-1-1CON	Sender's e-mail address:	kbell@pgfm.com
		Sender's Direct Dial #	404-572-4581
		Attorney #	3403

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POWELL, GOLDSTEIN (DTI-19)

NO. 475 P. 4

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**FACSIMILE TRANSMISSION COVER SHEET**

Date: December 12, 2003

To: Mail Stop Petitions

Fax # 703-872-9306

From: Kathy Bell

Recipient's Direct Dial #

Sender's Direct Fax # 404-572-6999

Appl. No. 09/942,278

Sender's e-mail address: [kbell@pgfm.com](mailto:kbell@pgfm.com)

Our File # 0359.1-1-1CON

Sender's Direct Dial # 404-572-4581

Attorney # 3403

**Total Pages (Including This Page):**

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**COMMENTS:**

Patents

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHELLE CAREY et al.  
Serial No.: 09/942,278  
Filed: August 27, 2001  
For: STAIN RESISTANT WATER-BORNE  
COATING COMPOSITION

Confirmation No.: TBA  
Art Group: TBA  
Attorney Docket No.: 0359.1-1-1CON  
Customer ID: 25207

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## TRANSMITTAL SHEET

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

OFFICIAL

Sir:

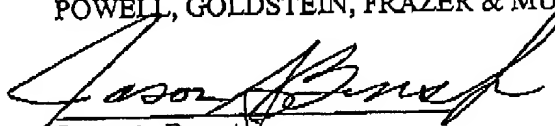
Please accept for filing in the above styled case the following document(s):

1. Petition To Withdraw Holding of Abandonment Under 37 C.F.R. 1.181(b)
2. Petition to Revive Abandoned Application Under 37 CFR 1.181(b);
3. Copy of Notice of Abandonment Under 37 CFR 1.53(f) or (g)
4. The required reply to the above-identified Notice:
  - Executed Declaration and Power of Attorney;
  - Credit Card Authorization Form for \$130;
  - Response to Notice to File Missing Parts;
  - Copy of Notice to File Missing Parts; and
  - Return Receipt Postcard

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 or 17, or credit any overpayment to Account No. 50-1429. A duplicate of this sheet is enclosed. Thank you very much.

Respectfully submitted,

POWELL, GOLDSTEIN, FRAZER &amp; MURPHY LLP

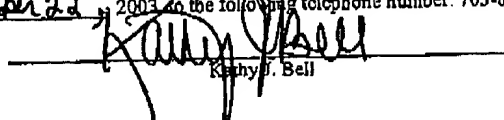


Jason A. Bernstein  
Reg. No. 31,236

16<sup>th</sup> Floor  
191 Peachtree Street, NE  
Atlanta, Georgia 30303-1736

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the attached papers are being facsimile transmitted to the Office of Peridons, Commissioner for Patents on October 22, 2003 to the following telephone number: 703-872-9306.



Kathy J. Bell

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Patents

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

MICHELLE CAREY et al.  
Serial No.: 09/942,278  
Filed: August 27, 2001  
For: STAIN RESISTANT WATER-  
BORNE COATING COMPOSITION

Confirmation No.: TBA  
Art Group: TBA  
Attorney Docket No.: 0359.1-1-1CON  
Customer ID: 25207

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. 1.181(b)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

1. Applicant contends that the above-identified application is not in fact abandoned. A Notice of Abandonment for failure to file a timely and proper response to a the Notice to File Missing Parts (Notice) was mailed on October 4, 2001. Applicant contends that a response to the Notice was mailed on November 6, 2001 to the Commissioner for Patents (as indicated on the attached return postcard).

2. Applicant filed the following documents on November 6, 2001 with the Notice (a copy of each of the following documents are enclosed):

- Executed Declaration and Power of Attorney;
- Credit Card Authorization Form for \$130;
- Response to Notice to File Missing Parts;
- Copy of Notice to File Missing Parts; and
- Return Receipt Postcard

3. Applicant notes that the correct Application No. 09/942,278 was displayed on the copy of the Notice and on the Credit Card Authorization Form. However, Applicant inadvertently recorded the incorrect Application No. 09/254,339 on the Response to File Missing Parts and on the return postcard.

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4. Applicant notes that the correct Application No. was clearly available on both the Notice and the credit card authorization form and thus should have been recorded appropriately. Applicant hereby contends that the above-identified application is not in fact abandoned.

5. This petition is filed within one year of the alleged date of alleged abandonment.

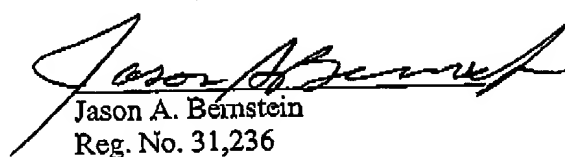
6. No fee is required under 37 C.F.R. 1.181(b).

The delay leading to alleged abandonment of the application was unintentional.

I declare that all statements made herein of are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP



Jason A. Bernstein  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/942,278	08/27/2001	Michelle Carey	0359.1-1-1

CONFIRMATION NO. 8119

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011368186\*

25207  
POWELL, GOLDSTEIN, FRAZER, & MURPHY LLP  
16TH FLOOR  
191 PEACHTREE STREET, NE  
ATLANTA, GA 30303-1736

Date Mailed: 11/28/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/04/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*[Signature]*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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